

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

SOURCEONE DENTAL, INC.,

Plaintiff,

v.

PATTERSON COMPANIES, INC., et al.,

Defendants.

Civil Action No. 15-cv-05440-BMC-GRB

**DECLARATION IN SUPPORT OF BENCO'S OPPOSITION  
TO SOURCEONE'S MOTIONS *IN LIMINE***

I, Howard D. Scher, declare the following pursuant to 28 U.S.C. § 1746:

1. I am a shareholder with the law firm of Buchanan Ingersoll & Rooney PC, attorneys for Benco Dental Supply Company ("Benco") in the above-captioned matter. I submit this declaration based on my personal knowledge and in support of Defendant Benco's responses to the motions *in limine* of SourceOne Dental, Inc. ("SourceOne").

2. Attached as exhibits to Benco's Responses are true and correct copies of the documents listed below:

Exhibit	Exhibit Description	Relevant SourceOne MIL	Filed Under Seal Provisionally?
Exhibit A	April 2014 e-mail chain between SourceOne and the Arizona Office of the Attorney General ("AZ OAG"), with the top e-mail dated 04/25/2014.	MIL #2	No

Exhibit B	Memorandum by Donovan Osio discussing SourceOne's conversations with AZ OAG.	MIL #2	Yes
Exhibit C	May 2014 e-mail chain between SourceOne and the AZ OAG, with the top e-mail dated 05/14/2014.	MIL #2	Yes
Exhibit D	May-June 2014 e-mail chain between SourceOne and the AZ OAG, with the top e-mail dated 06/28/2014.	MIL #2	Yes
Exhibit E	May-June 2014 e-mail chain between SourceOne and the AZ OAG, with the top e-mail dated 06/28/2014.	MIL #2	Yes
Exhibit F	September 2014 e-mail chain between SourceOne, the AZ OAG, and the Texas office of the Attorney General ("TX OAG"), with the top e-mail dated 09/09/2014.	MIL #2	No
Exhibit G	October 2014 e-mail chain between SourceOne and the AZ OAG, with the top e-mail dated 10/23/2014.	MIL #2	Yes

Exhibit H	January 2015 e-mail chain between SourceOne, the AZ OAG, and the TX OAG, with the top e-mail dated 01/28/2015.	MIL #2	No
Exhibit I	January 2015 e-mail chain between SourceOne, the AZ OAG, and the TX OAG, with the top e-mail dated 01/29/2015.	MIL #2	No
Exhibit J	April 2015 e-mail chain between SourceOne and the TX OAG, with the top e-mail dated 04/09/2015.	MIL #2	Yes
Exhibit K	April 2015 e-mail chain between SourceOne and the TX OAG, with the top e-mail dated 04/09/2015.	MIL #2	No
Exhibit L	April 2015 e-mail chain between SourceOne and the TX OAG, with the top dated e-mail dated 04/20/2015.	MIL #2	No
Exhibit M	June 2015 e-mail chain between SourceOne and the TX OAG, with the top dated e-mail dated 06/15/2015.	MIL #2	No

Exhibit N	June 2015 e-mail chain between SourceOne and the TX OAG, with the top dated e-mail dated 06/23/2015.	MIL #2	No
Exhibit O	Chart depicting lines of designated video testimony in this matter.	MIL #5	No

I declare under penalty of perjury that the above is true and correct.

Date: August 19, 2019

/s/ Howard D. Scher

Howard D. Scher (admitted *pro hac vice*)

**CERTIFICATE OF SERVICE**

I hereby certify that on August 19, 2019, I caused to be filed electronically the foregoing document with the Clerk of the Court via CM/ECF. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's CM/ECF system.

/s/ Howard D. Scher